

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-25345 - APPLICANT/OWNER: CRAIG P. AND ELLEN KAY KENNY**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-25342), Variance (VAR-25344) and Site Development Plan Review (SDR-25343) shall be required.
2. This approval permits a deviation from Title 19.08.050 development standards for a P-R (Professional Office and Parking) zoning district to allow a building height of four stories (73 feet) where a height of two stories or 35 feet would otherwise be the maximum allowed.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**VAR-25345 - Staff Report Page One**  
**December 20, 2007 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a building height of four stories in a proposed P-R (Professional Office and Parking) zoning district where only a maximum of two stories are allowed for a professional office building on 0.47 acres on 0.47 acres at the southeast corner of Clark Avenue and 8<sup>th</sup> Street. The project site currently consists of three undeveloped parcels of land within the Las Vegas High School Historic District. This request is in addition to a Variance (VAR-25344) to allow a deviation from the required number of parking spaces.

The applicant indicates that the proposed four-story office building will be not be a detriment to the neighboring properties or cause any diminution of value to the area. Due to the self-imposed hardship inevitably created by the intensity of the proposed development on the site, denial of this request is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/20/07	Companion items for two Rezoning (ZON-25342 and ZON-25678) a Variance (VAR-25344), and a Site Development Plan Review (SDR-25343) will be heard concurrently with this item.
<b><i>Related Building Permits/Business Licenses</i></b>	
04/18/07	Three building permit applications, plan check OTC-86582, OTC-86584, and OTC-86585, were submitted for the site. These were for a plan check review for the demolition of the residential structures that were the subject site. These permits were reviewed by the Planning and Development Department and issued by the Building and Safety Department the same day as submitted. These permits received a final inspection on 05/15/07.
<b><i>Pre-Application Meeting</i></b>	
09/25/07	A pre-application meeting was held, where submittal requirements and elements of this application were discussed. Specifically, the Building and Safety Department went over the requirements for the placement of the accessible parking spaces and the Public Works Department went over the need to lengthen the space that load off of the alleyway.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application, nor was one held.	

**VAR-25345 - Staff Report Page Two**  
**December 20, 2007 - Planning Commission Meeting**

<b>Field Check</b>	
11/19/07	The Department of Planning and Development conducted a site visit that found that this is an undeveloped site that has previously had improvements that have been removed. There is temporary, unscreened chain link fencing around the site of the proposed building. The site of the proposed off-site parking location is also undeveloped but there is no fencing around this site.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.47

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MXU (Mixed Use)	R-1 (Single Family Residential) [Proposed: P-R (Professional Office and Parking)]
North	Public School, Secondary	PF (Public Facilities)	C-V (Civic)
South	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
East	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential)
	Office, Other Than Listed	MXU (Mixed Use)	R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking)
West	Office, Other Than Listed	MXU (Mixed Use)	P-R (Professional Office and Parking)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Las Vegas High School Neighborhood District	X		Y *
Live/Work Overlay District	X		Y
<b>Trails</b>		X	n/a
<b>Rural Preservation Overlay District</b>		X	n/a
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

**VAR-25345 - Staff Report Page Three**  
**December 20, 2007 - Planning Commission Meeting**

- \* Currently, no design standards or guidelines have been approved for this district to compare against the proposed project.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 Feet	150 Feet	Y
Min. Setbacks			
• Front (8 <sup>th</sup> Street)	20 Feet	20 Feet	Y
• Side	5 Feet	>5 Feet	Y
• Corner (Clark Avenue)	15 Feet	15 Feet	Y
• Rear	15 Feet	>15 Feet	Y
Max. Lot Coverage	50%	47.6%	Y
Max. Building Height	2 stories or 35 Feet (whichever is less)	4 stories (73 Feet)	N *
Trash Enclosure	Screened and Gated	Screened and Gated	Y
Mech. Equipment	Screened	Screened	Y

- \* If approved, this variance would allow a height of four stories (73 feet) where two stories or 35 feet would be the maximum height allowed.

<i>Deviations from Standard</i>	<i>Allowed</i>	<i>Provided</i>	<i>Percent Deviation</i>
Maximum Height			
• Number of Stories	2 Stories	4 Stories	2-Story (100%) Increase Over Allowance
• Feet	35 Feet	73 Feet	38-Foot (109%) Increase Over Allowance

**ANALYSIS**

The subject site is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and is designated as MXU (Mixed Use). The MXU (Mixed Use) designation allow uses comparable to the following land use categories: L (Low Density Residential), ML (Medium-Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial). The proposed parking lot is compatible with this land use designation and the neighboring zoning districts, which are intended for lower intensity office related uses.

**VAR-25345 - Staff Report Page Four**  
**December 20, 2007 - Planning Commission Meeting**

As previously noted, the parcels are within the boundaries of the Las Vegas Redevelopment Area, with a MXU (Mixed Use) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the MXU (Mixed Use) designation.

These sites are within the Live/Work Overlay district. The proposed professional office building will offer employment and employee amenities on-site, but no housing. The project does not include any live/work units as outlined in Title 19.06.130.

Further, the four parcels that make up this project are within the Las Vegas High School Historic District, which is listed on the National Register of Historic Places. Currently, no design standards or guidelines have been approved for this district to compare against the proposed project.

This variance has been submitted in conjunction with two Rezoning (ZON-25342 and ZON-25678) to change from R-1 to P-R (Professional Office and Parking) for the four parcels intended for use with this project, a Variance (VAR-25344) to allow a deviation of the parking standards and a Site Development Plan Review (SDR-25343) to site the office building proposed for northern three parcels and the off-site parking lot for the southern parcel.

The building elevations illustrate a four-story office building of contemporary design. The maximum proposed height for buildings developed on the site would be 73 feet. The proposed heights exceed the height limitation for a P-R (Professional Office and Parking) zoning district therefore necessitating this variance.

Due to the self-imposed hardship that the proposed building height engenders and incompatibility of the accompanying applications with the scale of surrounding present and future development within the Las Vegas High School Historic District, staff is recommending denial of this variance request.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in

**VAR-25345 - Staff Report Page Five**  
**December 20, 2007 - Planning Commission Meeting**

peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a building height that exceeds the maximum height allowed in the proposed P-R (Professional Office and Parking) zoning district. Proposing a less intensive development of a maximum of two stories would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

14

**ASSEMBLY DISTRICT**      9

**SENATE DISTRICT**      3

**NOTICES MAILED**      213

**APPROVALS**      4

**PROTESTS**      0